

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Tina M. Stephens,

Plaintiff,

v.

Case No. 1:19cv954

Frisch's Big Boy Restaurants, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") filed by the Magistrate Judge on July 30, 2020 (Doc. 21).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's R&R (Doc. 21) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 21) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, defendant Frisch's Motion to Compel Arbitration (Doc. 5) is **GRANTED** and this matter is **dismissed without prejudice**. Defendants Amy Flutmus and Henry Shannon's Motion to Dismiss or Quash (doc. 9) is **DENIED as MOOT**.

The Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of this Order adopting this Report and Recommendation would not be taken in good faith and therefore would deny plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v.*

Schneider, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

/s Michael R. Barrett
Michael R. Barrett, Judge
United States District Court